

REMARKS

By the present amendment, Applicant has amended Claim 1 and added Claim 21. Claims 2 and 19-20 were canceled by the previous amendment. Claims 1, 3-18 and 21 remain pending in the present application. Claim 1 is the sole independent claim.

In the recent Office Action, the Examiner rejected Claims 1, 3, 4, 6, 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Bible (U.S. Patent No. 4,779,360) in view of Boyle (U.S. Patent No. 2,585,219). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bible and further in view of Simonson (U.S. Patent No. 1,999,214). Claims 7-9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bible in further view of Massengale (U.S. Patent No. 4,704,810). Claim 10 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bible and Massengale, and further in view of Maples (U.S. Patent No. 5,024,008) or Plotkin (U.S. Patent No. 4,967,491). Claim 13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bible in view of either Maples or Plotkin. Claims 14-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bible in view of Massengale. Claim 18 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bible in view of Massengale, and further in view of Maples or Plotkin.

Independent Claim 1 has been amended to more particularly define the subject matter in question. Specifically, the "crushed nut shells" have now been removed from the Markush recitation of Claim 1, such that the traction material is now defined as being

selected from sand, crushed rock, crushed porcelain, crushed sea shells, and combinations thereof.

The Bible reference is directed to a shoe attachment to reduce inner and outer skidding. The attachment 10 includes a sole 22 mounted to a lower portion 24. The sole 22 includes anti-skid means 28, in the form of a plurality of granular particles 30, with the granular particles 30 being formed from aluminum oxide, silicon carbide and/or tungsten carbide.

The Examiner has combined the Bible reference with the Boyle reference, due to Boyle's teaching of crushed walnut shells as a traction material. The provision of "crushed nut shells" has now been removed from Independent Claim 1, and has been inserted in dependent Claim 21, to be used in combination with the materials listed in Independent Claim 1.

The Bible reference teaches the use of aluminum oxide, silicon carbide and/or tungsten carbide. In contradistinction, the disperse traction material 16 embedded in the sole 14 of the subject Patent Application system is formed from sand, crushed rock, crushed porcelain, crushed sea shells, or combinations thereof. The term "sand" is well known in the art to mean crushed silica (silicon dioxide), typically in the form of crushed or powdered quartz. Sand is, of course, quite plentiful and is naturally provided in a particulate form, which may be easily embedded in a rubber shoe sole. The silicon carbide of the Bible reference is quite distinct from sand, in that silicon carbide not only has entirely different chemical properties than sand, but is also mostly a manmade

substance, typically formed from melting together silica sand and carbon at high temperatures.

Porcelain is also a term which is well known in the art, and which is generally accepted as being a ceramic material, usually formed from naturally occurring clay. Similarly, the composition of sea shells is well know and generally accepted in the art to include nacre (a scleroprotein) and calcium carbonate. Silica, crushed rocks, crushed porcelain, and calcium carbonate are all chemically and physically distinct from the aluminum oxide, silicon carbide and tungsten carbide taught in the Bible reference.

Thus, neither the Bible reference nor the Boyle reference, when taken alone or in combination, provide for: "... said disperse traction material being selected from the group consisting of sand, crushed rock, crushed porcelain, crushed sea shells, and combinations thereof ...", as is clearly provided in newly-amended independent Claim 1.

The patents to Simonson, Massengale, Maples and Plotkins were relied upon by the Examiner to show ancillary features of Applicant's claimed invention. Notwithstanding, these secondary references fail to supplement the above noted deficiency of the primary combination of Bible and Boyle. Thus, one of ordinary skill in the art without the benefit of Applicant's own disclosure would not be capable of arriving at the presently claimed invention by combining these references in the manner suggested by the Examiner.

Further, for at least the reasons given above for independent Claim 1, Applicant respectfully submits that Independent Claim 1, as amended, and corresponding dependent Claims 3-18 and 21 are allowable over the prior art of record.

The remaining references cited of record by the Examiner in the previous Action, and further provided by Applicant, but not applied against the claims have been duly considered, but are believed to be further removed when patentable distinctions are taken into account than those cited by the Examiner in the rejection.

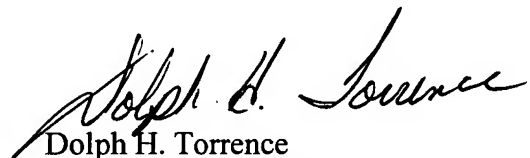
Applicant respectfully submits that the proposed amendments made herein properly respond to the outstanding Final Rejection and represent a *bona fide* effort to satisfactorily conclude the prosecution of this application. Care has been exercised to ensure that no new matter has been introduced and that no new issues have been raised that would require further consideration or search. It is felt that no inordinate amount of time will be required on the part of the Examiner to review and consider this amendment. Accordingly, entry of the proposed amendment is respectfully requested.

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Art Unit : 3728

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For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dolph H. Torrence".

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DHT/mdr
Attachments; Petition for Extension of Time
Check in the amount of \$60.00